

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated June 24, 2003, indicated that claims 18-21, 26 and 27 stand rejected under 35 U.S.C. §102(b) in view of *Okumura et al.* (U.S. Patent No. 5,015,330); claims 22-25 stand rejected under 35 U.S.C. §103(a) in view of *Okumura et al.* in further view of *Jeng et al.* (U.S. Patent No. 5,710,073); and claims 28-30 stand rejected under 35 U.S.C. §103(a) in view of *Okumura et al.* in further view of *Bartholomew et al.* (U.S. Patent No. 6,143,080).

Facilitating Prosecution

Applicant respectfully traverses each of the prior art rejections for a number of reasons, each being addressed below in detail. However, in an effort to facilitate prosecution, Applicant has submitted the above amendment to more expressly distinguish the claimed invention from the cited prior art. In addition to the "would be" amendment to claim 18 (to be consistent with the wording of claim 19), the claims now expressly set forth a structural/step aspect that is opposite the teaching of the cited prior art. Under 35 U.S.C. § 112(6), the expressly added structure/act was previously implicit and therefore does not narrow the claims. As set forth in the above amendment and discussed at page 9 of the Specification, the injection means includes injection holes that face away from the wafer surfaces being treated. According to the Office Action, the '330 reference is able to provide a uniform supply of gas to the surface of the wafer as shown in the embodiment of Figure 8: this embodiment showing injection holes 92a directly facing the wafer surfaces. Accordingly, the claimed invention is not taught or suggested by the prior art; therefore, each of the prior art rejections should be withdrawn.

Traversal Maintained

Applicant traverses the prior art rejections based on multiple grounds, including those grounds previously presented by Applicant. First, each rejection relies upon an improper and insufficient interpretation and application of the '330 reference. The Office Action still does not attempt to identify elements from the '330 reference that correspond

identified elements from the '330 reference corresponding: to the claimed structure under 35 U.S.C. §112(6), "means for using the supplied gas ..."; to the claimed step under 35 U.S.C. §112(6), "using the supplied gas ..."; and to the claimed "zone in which a uniform supply of gas is supplied to the wafer surface." Regarding this latter aspect of the claimed invention, the Office Action acknowledges that the '330 reference does not achieve this function in the presence of heating elements and/or the described e-fields.

The Office Action fails to respond to several of Applicant's arguments previously presented in the Office Action Response filed on April 23, 2003. The Office Action merely repeats the rejections presented in the non-final Office Action and does not address some of Applicant's previous arguments. Under the heading "Response to Arguments," the paragraph at lines 3-12 of page 6 of the Office Action merely acknowledges that the electric field causes presentation of a non-uniform supply of gas and that the rotary shaft merely provides a degree of improvement. This "Response to Arguments" does not address Applicant's argument that the '330 reference fails to show a uniform supply of gas to the surface of a wafer.

The next paragraph at page 6 of the Office Action was intended to respond to Applicant's argument that the electrodes should not be relied upon for the rejection because figure 8 of the '330 reference does not include such electrodes (rather these electrodes are only described in connection with the figure 1 embodiment of the '330 reference). The response presented at lines 13-17 of page 6 of the Office Action, however, does not seem to relate even remotely. The rejection relies upon electrodes from an alternative embodiment and according to the M.P.E.P. and the case law, is therefore improper.

With respect to the Office Action's response to Applicant's arguments regarding lack of *evidence* for motivation to modify the primary reference, the Office Action paragraph that bridges pages 6-7 presents a conclusory argument which completely ignores the requirement (and express request) for evidence. Further, this conclusory argument does not explain how the skilled artisan would implement the alleged modification without frustrating the operation and/or purpose of the '330 reference.

M.P.E.P. § 707.07(f) dictates that the Office Action should take note of the Applicant's arguments and answer the substance of them. This is consistent with the purpose of aiding the Applicant in judging the propriety of continuing the prosecution, as indicated in 37 C.F.R. § 1.104(a)(2) and 35 U.S.C. § 132. The Office Action fails to comply with this requirement; thus, Applicant requests that the rejections be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

OFFICIAL

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

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By: 

Robert J. Crawford
Reg. No. 32,122

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